

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

FEB 14 2006

JOHN F. GORCORAN, CLERK  
BY: *H. Craft*  
DEPUTY CLERK

KITA SWANDI SMITH,  
Petitioner,

v.

UNITED STATES OF AMERICA,  
Respondent.

) Civil Action No. 7:06CV00007  
) Criminal Action No. 7:03CR00035  
)

) **FINAL ORDER**  
)

) By: Hon. Jackson L. Kiser  
) Senior United States District Judge

In accordance with the accompanying memorandum opinion, it is now

**ORDERED**

that the petitioner's motion to vacate, set aside or correct sentence under 28 U.S.C. § 2255 shall be  
and hereby is **DISMISSED** and **STRICKEN** from the active docket of the court.

The Clerk is directed to send certified copies of this order and the accompanying  
memorandum opinion to the petitioner and counsel of record for the respondent.

ENTER: This 14th day of February, 2006.

*Jackson L. Kiser*  
Senior United States District Judge